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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,188	08/22/2003	Louis A. Rhodes	706441US5	9080
7590	04/13/2004			
Donald J. Wallace DaimlerChrysler Intellectual Capital Corporation CIMS 483-02-19 800 Chrysler Drive Auburn Hills, MI 48326-2757			EXAMINER GUTMAN, HILARY L	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,188

Applicant(s)

RHODES ET AL.

Examiner

Hilary Gutman

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/22/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because in Figure 3, the lowermost reference number "10" and its lead line should be deleted. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Cannera et al.

Cannera et al. disclose a seat assembly for a motor vehicle having a floor 32, the seat assembly comprising: a tub 30 disposed at least partially in the floor; at least one rear leg 22 non-releasably secured to the floor of the vehicle, the at least one rear leg being pivotable to stow the seat assembly in the tub; and a seatback 14 fixedly mounted on the at least one rear leg.

With regard to claim 2, at least one front leg 20 is releasably secured to the floor of the vehicle or capable of being released from the floor.

With regard to claim 3, the at least one front leg 20 is positioned proximate a seat cushion of the seat assembly when the seat assembly is stowed in the tub.

With regard to claim 4, the seatback 14 is rigidly mounted on the at least one rear leg.

Art Unit: 3612

With regard to claim 5, the seatback presents a load floor when the seat assembly is stowed in the tub.

With regard to claim 6, the load floor is generally even with the floor of the vehicle.

With regard to claim 7, the tub is disposed generally forward of the seat assembly in a use position.

For claim 8, Cannera et al. disclose a seat assembly for a motor vehicle having a tub 30 disposed at least partially in a floor 32 of the vehicle, the seat assembly comprising: at least one rear leg 22 non-releasably secured to the floor of the vehicle, the at least one rear leg being pivotable to stow the seat assembly in the tub; and at least one front leg 20 releasably secured to the floor of the vehicle in that the front leg is capable of being released from the floor.

With regard to claim 9, the at least one front leg is positioned proximate a seat cushion of the seat assembly when the seat assembly is stowed in the tub.

With regard to claim 10, a seatback 14 is mounted on the at least one rear leg 22.

With regard to claim 11, the seatback presents a load floor when the seat assembly is stowed in the tub.

With regard to claim 12, the load floor is generally even with the floor of the vehicle.

With regard to claim 13, the tub is disposed generally forward of the seat assembly in a use position.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jach et al. (6,705,658) disclose a seat assembly (Figures 11-13) for a motor vehicle having a floor 118, the seat assembly comprising: a tub 116 disposed at least partially in the floor; at least one rear leg non-releasably secured to the floor of the vehicle, the at least one rear leg being pivotable to stow the seat assembly in the tub (Figure 13); and a seatback 130 fixedly mounted on the at least one rear leg. At least one front leg (generally near 112) releasably secured to the floor of the vehicle. The seatback is rigidly mounted on the at least one rear leg. The seatback presents a load floor when the seat assembly is stowed in the tub. The load floor is generally even with the floor of the vehicle.

In addition, Jach et al. disclose a seat assembly for a motor vehicle having a tub 116 disposed at least partially in a floor 118 of the vehicle, the seat assembly comprising: at least one rear leg (generally near 114) non-releasably secured to the floor of the vehicle, the at least one rear leg being pivotable to stow the seat assembly in the tub; and at least one front leg (generally near 112) releasably secured to the floor of the vehicle. A seatback 130 is mounted on the at least one rear leg. The seatback presents a load floor when the seat assembly is stowed in the tub. The load floor is generally even with the floor of the vehicle.

Odagaki et al. (5,269,581) disclose a seat assembly for a motor vehicle having a floor 2, the seat assembly comprising: a tub 9 disposed at least partially in the floor; at least one rear leg (generally 16) non-releasably secured to the floor of the vehicle, the at least one rear leg being pivotable to stow the seat assembly in the tub; and a seatback 11 indirectly fixedly mounted on the at least one rear leg. At least one front leg 18 is releasably secured to the floor of the vehicle. The at least one front leg 18 is positioned proximate a seat cushion of the seat assembly when the seat assembly is stowed in the tub. The seatback is rigidly mounted on the at least one rear leg

Art Unit: 3612

via bracket 13. The seatback 11 presents a load floor when the seat assembly is stowed in the tub. The load floor is generally even with the floor of the vehicle.

In addition, Odagaki et al. disclose a seat assembly for a motor vehicle having a tub 9 disposed at least partially in a floor 2 of the vehicle, the seat assembly comprising: at least one rear leg (generally 16) non-releasably secured to the floor of the vehicle, the at least one rear leg being pivotable to stow the seat assembly in the tub; and at least one front leg 18 releasably secured to the floor of the vehicle. The at least one front leg 18 is positioned proximate a seat cushion of the seat assembly when the seat assembly is stowed in the tub. A seatback 11 is indirectly mounted on the at least one rear leg. The seatback 11 presents a load floor when the seat assembly is stowed in the tub. The load floor is generally even with the floor of the vehicle.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3612

6. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

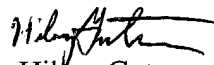
or faxed to:

(703) 872-9326, (for formal communications intended for entry)

or:

(703) 746-3515, (for informal or draft communications, please clearly label

"PROPOSED" or "DRAFT").


Hilary Gutman
3612
4/7/09